

SEAN S. BACH,)
)
Plaintiff,)
)
v.) Case No. 1:13-CV-00888-CCE-JLW
)
LAW SCHOOL ADMISSION COUNCIL,)
INC.,)
)
Defendant.)
)

Pursuant to L.R. 40.1(c) and Fed. R. Civ. P. 26(a)(3)(B), defendant Law School Admission Council (“LSAC”) respectfully submits its objections to the pretrial exhibit disclosures filed by plaintiff Sean Bach (“Mr. Bach”) on October 4, 2014 (D.E. 65).

LSAC hereby raises the following objections to exhibits designated by Mr. Bach:

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4. Plaintiff's Exhibit 70 (Lenard A. Adler, MD, Evaluation Report, April 29, 2014; LSAC001451-LSAC001456): Hearsay (Fed. R. Evid. 802)
5. Plaintiff's Exhibit 76 (Lenard Adler, MD, Julie Cohen, BA, "Diagnosis and Evaluation of Adults with Attention-Deficit/Hyperactivity Disorder" (2004); LSAC001510-LSAC001524): Hearsay, cumulative evidence (Fed. R. Evid. 403, 802)
6. Plaintiff's Exhibit 77 (Lenard A. Adler, M.D. and Hong C. Chua, M.D., "Management of ADHD in Adults" (2002); LSAC001525-LSAC001531): Hearsay, cumulative evidence (Fed. R. Evid. 403, 802)
7. Plaintiff's Exhibit 78 (Kevin R. Murphy, Ph.D. and Lenard A. Adler, M.D., "Assessing Attention-Deficit/Hyperactivity Disorder in Adults: Focus on Rating Scales" (2003); LSAC001532-LSAC001537): Hearsay, cumulative evidence (Fed. R. Evid. 403, 802)
8. Plaintiff's Exhibit 79 (Lenard Adler, M.D. and Julie Cohen, "Diagnosis and Evaluation of Adults with Attention-Deficit/Hyperactivity Disorder (2004)): Hearsay, cumulative evidence. (Fed. R. Evid. 403, 802). This also appears to be a duplicate of Plaintiff's Exhibit 76.
9. Plaintiff's Exhibit 82 (Consulting Agreement Between Law School Admission Council and Michael Gordon, Ph.D., June 15, 2005): Hearsay; materiality; relevance. (Fed. R. Evid. 401, 402, 802)
10. Plaintiff's Exhibit 84 (Consent Decree in *Department of Fair Employment and Housing, et al. v. Law School Admission Council*, 12-1830, N.D. Cal., May 29, 2014): Materiality; relevance; lack of authentication/foundation; hearsay; failure to disclose or produce in discovery. (Fed. R. Evid. 401, 402, 802, 901; Fed. R. Civ. P. 26(a)(1)(A)(ii), 37(c)(1))

11. Plaintiff's Exhibit 85 (American Bar Association Commission on Disability Rights Resolution 111, February 2012): Materiality; relevance; lack of authentication/foundation; hearsay; failure to disclose or produce in discovery. (Fed. R. Evid. 401, 402, 802, 901; Fed. R. Civ. P. 26(a)(1)(A)(ii), 37(c)(1))

12. Plaintiff's Exhibit 86 (Higher Education and Disability – GAO 12-40 (November 2011): Materiality; relevance; lack of authentication/foundation; hearsay; failure to disclose or produce in discovery. (Fed. R. Evid. 401, 402, 802, 901; Fed. R. Civ. P. 26(a)(1)(A)(ii), 37(c)(1))

If Dr. Lenard Adler, who is being offered solely in the capacity of an expert witness, is not available to testify at trial, LSAC further objects to Plaintiff's Exhibits 70-79 on the grounds of hearsay, lack of foundation/authentication, prejudice to LSAC from not having the opportunity to cross-examine the witness as a trial witness, cumulative evidence, and the Court's inherent authority to control the presentation of evidence. (Fed. R. Evid. 403, 601, 802, 901)

Date: October 17, 2014

Respectfully submitted,

/s/ Caroline M. Mew

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SEAN S. BACH,

Plaintiff,

v.

**LAW SCHOOL ADMISSION COUNCIL,
INC.,**

Defendant.

Case No. 1:13-CV-00888-CCE-JLW

CERTIFICATE OF SERVICE

I hereby certify that on October 17, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and have verified that such filing was sent electronically using the CM/ECF system to the following:

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